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JUN 22 2006

DIV. OF OIL, GAS &amp; MINING

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LAS VEGAS, NEVADA

Denise A. Dragoo (801) 257-1998  
ddragoo@swlaw.com

June 22, 2006

*Via E-Mail and Hand Delivery***CONFIDENTIAL – NOT FOR PUBLIC DISTRIBUTION**

Mary Ann Wright  
Associate Director, Mining  
Utah Division of Oil, Gas & Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

Refer to Confidential 06222006  
file in 00070013. 2006  
for additional information

**RE: Class II Cultural Inventory – Lila Canyon Extension, UtahAmerican Energy, Inc., Horse Canyon Mine C/007/0013**

Dear Mary Ann:

Enclosed on behalf of UtahAmerican Energy, Inc. ("UEI"), is the report prepared by Montgomery Archaeological Consultants, Inc. ("Montgomery") on the "Class II Cultural Resource Inventory of the Lila Canyon Mine's Area of Potential Subsidence, Emery County, Utah." A hard copy of this report is also being provided to you by Montgomery. Although the inventory sampling design focuses on areas most likely to contain rock shelters and other standing structures, Montgomery documented all in-period cultural resources regardless of site type. Inventory at p. 6. The cultural resource inventory resulted in documenting two new archeological sites (42Em3622 and 42Em3623) and recordation of three previously recorded sites (42Em1121, 42Em1337 and 42Em1339). These sites are all recommended as "not eligible" for the National Register of Historic Places. The inventory concludes that there are no standing structures or rock shelters present at these sites and proposes a determination of "no historic properties affected" for the undertaking, i.e., the Lila Canyon Project.

As set forth in the letter dated May 24, 2006, from the Utah State Historic Preservation Office ("SHPO"), Montgomery's sampling proposal of areas likely to contain rock shelters and granaries was accepted as an appropriate first step towards identifying cultural resources in the project area that could be adversely affected by subsidence. The Class II inventory has confirmed that there are no additional rock shelters or standing structures in the project area which will be adversely affected by subsidence. Therefore, Montgomery has not recommended that UEI augment its sampling plan. In addition, enclosed is a letter from Jody Patterson with Montgomery responding to the comments from the consulting parties attached to your letter dated June 12, 2006.

Mary Ann Wright  
June 22, 2006  
Page 2

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UEI has now completed the cultural inventory for the Lila Canyon Extension and is ready to proceed with approval of a process to implement the data recovery plan for site number 42Em2517. Montgomery will update a data recovery plan on this site originally prepared for the SHPO and dated November 13, 2001. We understand that this data recovery plan will be included in a memorandum of agreement ("MOA") which defines a process for implementing the plan, to be signed by the SHPO, the federal Office of Surface Mining, the Utah Division of Oil, Gas & Mining (the "Division"), the federal Bureau of Land Management and UEI. Please let me know if you would like us to prepare a draft MOA for the Division's review.

Finally, prior to public distribution of the report, we request that the Division remove references to the location of cultural sites.

Please contact Jay Marshall at UEI or me if you have further questions.

Very truly yours,



Denise A. Dragoo

DAD:jmc:401707

Enclosures

cc: Jay Marshall (via e-mail, with enclosures)  
Keith Montgomery (via e-mail, without enclosures)  
Jody Patterson (via e-mail, without enclosures)  
Steve Alder, Esq. (via e-mail, with enclosures)

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: Utah American Energy, Inc.

Mine: Lila Canyon Extension, Horse Canyon Mine

Permit Number: C/007/013

Title: \_\_\_\_\_

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Add Class II Cultural Inventory to Confidential Binder

**Instructions:** If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

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**Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you.** (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

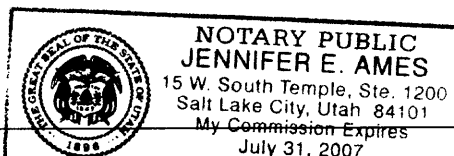
Denise Drago  
Print Name

Denise Drago, Attorney in Fact  
Sign Name, Position, Date

Subscribed and sworn to before me this 22 day of June, 2006

for Utah American Energy, Inc.  
06/22/06

Notary Public  
My commission Expires: \_\_\_\_\_, 20\_\_\_\_  
Attest: \_\_\_\_\_ } ss:  
State of \_\_\_\_\_  
County of \_\_\_\_\_



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## Detailed Schedule Of Changes to the Mining And Reclamation Plan

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**Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.**

Prior to public distribution, please remove references to the location of Cultural sites.

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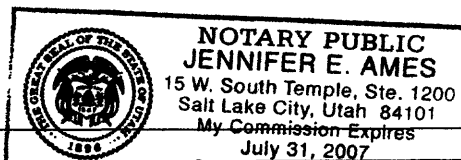
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Denise Dwyer  
Print Name

Kevin H. Dwyer, Attorney in fact  
Sign Name, Position, Date  
for Utah American Energy, Inc.  
06/22/06

Subscribed and sworn to before me this 22 day of June, 2006

Jennifer E. Ames  
Notary Public  
My commission Expires: \_\_\_\_\_, 20\_\_\_\_ }  
Attest: State of \_\_\_\_\_ } ss:  
County of \_\_\_\_\_



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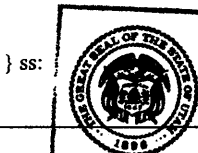
Jennifer E. Ames  
Notary Public

My commission Expires: \_\_\_\_\_, 20\_\_\_\_

Attest: \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_



NOTARY PUBLIC  
JENNIFER E. AMES

15 W. South Temple, Ste. 1200  
Salt Lake City, Utah 84101

My Commission Expires  
July 31, 2007

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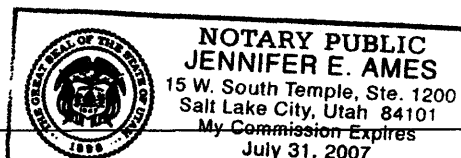
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State of \_\_\_\_\_

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